THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.23751 of 2007

Dated: 07-11-2007

Between:

M/s.Soma Srinivasa Reddy,
HYderabad

...Petitioner

and

The Commercial Tax Officer,
Narayanaguda Circle, Hyderabad and 5 others.

...Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.23751 of 2007

Dated: 07-11-2007

Order: (Per The Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties and with their consent, the Writ Petition is being disposed of at this stage.

During pendency of the appeal before the fourth respondent and revision stay petition before the fifth

respondent, the first respondent issued garnishee notice dated 31-10-2007 directing the sixth respondent to remit a total amount of Rs.6,95,584/- towards tax, penalty and interest. Hence, the present Writ Petition.

We have gone through the record. We feel that the interest of justice would be met if stay is granted pending appeal, subject to deposit of 50% of the disputed tax liability, 25% of the penalty and 25% of the interest. Therefore, we quash the impugned garnishee notice dated 31-10-2007 and direct that 50% of the disputed tax liability, 25% of the penalty and 25% of the interest shall be paid by the petitioner within a period of six weeks. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within six weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. The amount already paid by the petitioner shall be given credit to.

The Writ Petition is, accordingly, disposed of. No costs.

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(Bilal Nazki, J)

Dated 7th November, 2007

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(Ramesh Ranganathan, J)

Note:
Wire at party's costs.
B/o
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